

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILEDUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

2017 MAR 10 AM 11:56

Sherri R. Lowe,
Plaintiff

§ Cause No. _____

v.

§

Dallas Police Department, Peace Officer
#1 Jane Doe, Peace Officer #2 John Doe,
Peace Officer #3 John Doe, Peace Officer
#4 John Doe, Sergeant Peace Officer #5
John Doe, City of Dallas, Green Oaks
Hospital, Texas State Legislature,
Defendants§ VERIFIED TORT FOR DAMAGES AND FOR
§ DECLARATORY AND INJUNCTIVE RELIEF

§ JURY DEMANDED

8-17CV0704-G

§ In Propria Persona

§ All Rights Reserved without Prejudice

§

Plaintiff Sherri R. Lowe files this Tort against the above-named Defendants, and in support states as follows:

INTRODUCTION

This is a civil rights action against Defendants Dallas Police Department, Peace Officer #1 Jane Doe, Peace Officer #2 John Doe, Peace Officer #3 John Doe, Peace Officer #4 John Doe, Sergeant Peace Officer #5 John Doe, City of Dallas, Green Oaks Hospital for depriving Plaintiff Sherri R. Lowe of established constitutional, statutory and common law rights; and for declaratory and injunctive relief from the Texas State Legislature – Texas Health and Safety Code §573.011 APPLICATION FOR EMERGENCY DETENTION.

Under the Constitution's Supremacy Clause (Article VI, Section 2), for the United States of America, as lawfully amended ("U.S. Constitution"), the Constitution and federal laws and treaties are the "supreme law of the land" and judges in every state "shall be bound" by those laws. A state that passes a law -- challenged in federal court as unconstitutional under preemption and Supremacy Clause principles, and the state law would be overturned. Specifically Article I, Section 8 of the Constitution grants certain specific powers to Congress, congressional authority to regulate virtually all human activity within the United States, with very few limited exceptions -- challenge the states police power, which violate the Constitution or Bill of Rights; and under the treaties of the United States, specifically the Universal Declaration of Human Rights ("Declaration") and the International Covenant on Civil and Political Rights ("Covenant"), the latter enacted with explicit reservations (both here as "Human Rights Treaties").

JURISDICTION AND VENUE

1. This Court has original jurisdiction over this action under 42 U.S.C. §§ 1983 and 1985, and the Fourteenth Amendment to the U.S. Constitution, Federal Tort Claims Act (28 U.S.C. §2674).

Accordingly, this Court has subject matter jurisdiction over this tort and the claims asserted herein pursuant to 28 U.S.C. §1346(b), 28 U.S.C. §2680, 28 U.S.C. § 2671, and Constitution's Supremacy Clause (Article VI, Section 2).

2. Plaintiff's claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, and by the general legal equitable powers of this Court.

3. Venue is proper in this judicial district under 28 U.S.C. §1391, this Court has subject matter jurisdiction over this tort and the claims asserted herein pursuant to 28 U.S.C. §1346(b), 28 U.S.C. §2680, 28 U.S.C. § 2671, and Constitution's Supremacy Clause (Article VI, Section 2).

PARTIES:

4. Plaintiff Sherri R. Lowe (hereinafter "Plaintiff") is a Citizen of Texas State presently inhabiting Dallas County in Texas State.

5. Defendant City of Dallas is a municipality of the State of Texas, and at all times is an agency organized and operated under the laws of the State of Texas. Defendant can be served at 1500 Marilla Street, Dallas, Texas 75201, Attention City Attorney.

6. Defendant Peace Officer #1 Jane Doe is an individual of the full age of majority and a resident of State of Texas, and at all pertinent times was employed as a peace officer 1999 E. Camp Wisdom Rd Dallas, TX 75241 and was acting under color of law as a representative for Dallas Police Department. Defendant can be served at 1400 S. Lamar Street, Dallas, Texas 75215.

7. Defendant Peace Officer #2 John Doe is an individual of the full age of majority and a resident of State of Texas, and at all pertinent times was employed as a peace officer 1999 E. Camp Wisdom Rd Dallas, TX 75241 and was acting under color of law as a representative for Dallas Police Department. Defendant can be served at 1400 S. Lamar Street, Dallas, Texas 75215.

8. Defendant Peace Officer #3 John Doe is an individual of the full age of majority and a resident of State of Texas, and at all pertinent times was employed as a peace officer 1999 E. Camp Wisdom Rd Dallas, TX 75241 and was acting under color of law as a representative for Dallas Police Department. Defendant can be served at 1400 S. Lamar Street, Dallas, Texas 75215.

9. Defendant Peace Officer #4 John Doe is an individual of the full age of majority and a resident of State of Texas, and at all pertinent times was employed as a peace officer 1999 E. Camp Wisdom Rd Dallas, TX 75241 and was acting under color of law as a representative for Dallas Police Department. Defendant can be served at 1400 S. Lamar Street, Dallas, Texas 75215.

10. Defendant Sergeant Peace Officer #5 John Doe is an individual of the full age of majority and a resident of State of Texas, and at all pertinent times was employed as a peace officer 1999 E. Camp Wisdom Rd Dallas, TX 75241 and was acting under color of law as a representative for Dallas Police Department. Defendant can be served at 1400 S. Lamar Street, Dallas, Texas 75215.

11. Defendant Dallas Police Department is an governmental agency of the municipality City of Dallas, State of Texas, and at all times is an agency organized and operated under the laws of the State of Texas. Defendant can be served at 1400 S. Lamar Street, Dallas, Texas 75215.

12. Defendant Green Oaks Hospital is a mental institution, and at all times is organized and operated under the laws of the State of Texas. Defendant can be served at 7808 Clodus Fields Dr, Dallas, TX 75251.

STATEMENT OF FACTS

13. On March 8, 2016, Plaintiff Sherri R. Lowe went to the Dallas Police Department substation located at 1999 E. Camp Wisdom Rd Dallas, TX 75241, to file a complaint against peace officers and Green Oaks Hospital for kidnapping and drugging me on March 6, 2013. I informed the desk officer that I was being attacked by five dogs and I flagged down to white peace officers for help. The two white peace officers pulled over threaten me, physically assaulted me, and detained me and took me to Green Oaks Hospital. The peace officer informed me that I could not file a report without the peace officers' names. I informed him that I did not need to know their name I wanted to file a report on the matter. The sergeant was called out and he started making statements that I would be taken to a mental hospital. Are you refusing to help me? He replied, "Be quiet, if you say anything else I am going to have them detain you." He made a statement and asked me to reply. I did not reply. So, he had peace officer #1 Jane Doe search my persons, and three male peace officers detained me and took me to Green Oaks Hospital.

14. Without a court order, Green Oaks Hospital pulled down my clothes against my "will and permission" shot me up with drugs and made me sign documents that I had no understanding of due to the drugs. The drugs took some of my memory and made me very sick. Green Oaks Hospital informed me that it could keep me for 90 days without a court order.

15. Defendants' acted under the color of law passed by the State of Texas Legislature, in which, Plaintiff seeks declaratory and injunctive relief from the Texas State Legislature – Texas Health and

Safety Code §573.011 APPLICATION FOR EMERGENCY DETENTION, because it violates the Constitution and the Bill of Rights.

16. Defendants' took detrimental actions towards Plaintiff, because of Plaintiff's race. Defendants deprived Plaintiff of her constitutional rights.

17. Specifically, this action challenges Defendants' denial of Plaintiff's rights secured under Fourteenth Amendments to the United States Constitution, 42 U.S.C. §1983, and 42 U.S.C. §1985, and Defendants' tortious negligence, Intentional infliction of emotional distress, Misappropriation claim, Assault claim, Battery claim, False imprisonment claim, Defamation claim (libel), Slander claim, equal protection of the laws on the basis of race, and side effects of prescription drugs.

FIRST CLAIM FOR RELIEF

18. Plaintiff incorporates by reference and realleges paragraphs 1 to 19 of this tort.

19. The above-described conduct by defendants' violated the right of Plaintiff not to be deprived of equal protection of the laws on the basis of race under the Fourteenth Amendment to the United States Constitution.

20. Plaintiff request that the Court issue an injunction ordering that Plaintiff be awarded compensatory and punitive damages in an amount to be determined according to proof by Plaintiff against all Defendants in their individual capacities.

SECOND CLAIM FOR RELIEF

Art. I, U.S. Constitution, 42 U.S.C. §1983

21. Plaintiff incorporates by reference and realleges paragraphs 1 to 19 of this tort.

22. The above-described conduct by Defendants violated the right of Plaintiff to be free from retaliatory treatment based upon the exercise of her freedom under the First Amendment to the U.S. Constitution.

23. Plaintiff request that the Court issue an injunction ordering that Plaintiff be awarded compensatory and punitive damages in an amount to be determined according to proof by Plaintiff against all Defendants in their individual capacities.

THIRD CLAIM FOR RELIEF

Tortious negligence

24. Plaintiff incorporates by reference and realleges paragraphs 1 to 19 of this tort.

25. The above-described conduct by Defendants failure to act as a reasonable person to someone to whom s/he owes a duty, as required by law under the circumstances. ... that the plaintiff was harmed

26. Plaintiff request that the Court issue an injunction ordering that Plaintiff be awarded compensatory and punitive damages in an amount to be determined according to proof by Plaintiff against all Defendants in their individual capacities.

FOURTH CLAIM FOR RELIEF

False imprisonment claim

27. Plaintiff incorporates by reference and realleges paragraphs 1 to 19 of this tort.

28. The above-described conduct by Defendants failure to act as a reasonable person to someone to whom s/he owes a duty, as required by law under the circumstances. ... that the plaintiff was harmed

29. Plaintiff request that the Court issue an injunction ordering that Plaintiff be awarded compensatory and punitive damages in an amount to be determined according to proof by Plaintiff against all Defendants in their individual capacities.

FIFTH CLAIM FOR RELIEF

30. Plaintiff incorporates by reference and realleges paragraphs 1 to 19 of this tort.

31. The Texas Legislature Texas Health and Safety Code §573.011 APPLICATION FOR EMERGENCY DETENTION, allowed the peace officers to violate Plaintiff's constitutional rights of due process.

32. Plaintiff request that the Court issue an declaratory and injunction ordering that this law be preempted due to its unconstitutionality to be determined according to proof by Plaintiff against all Defendants in their individual capacities.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Issue an declaratory and injunction ordering preempting Defendant State of Texas Legislature Texas Health and Safety Code §573.011 APPLICATION FOR EMERGENCY DETENTION.
2. Award compensatory damages in the amount of (\$1,000,000,000 U.S. Gold dollars) against all defendants in their individual capacities;
3. Award punitive damages in such other amount as the jury may determine is sufficient to punish them for and deter others from committing the constitutional violations alleged in this tort;
4. Award Plaintiff her costs, expenses, and reasonable attorneys' fees pursuant to, inter alia, 42 U.S.C. §1988 and other federal and state laws; and
5. Grant such other and further relief as the Court may deem just and proper.

SUMMARY OF DAMAGES

Summary of Reasonable Attorney fees: TBA

Summary of Consequential Damages: TBA

Summary of Actual Damages:

COUNTS ONE, TWO, THREE, FOUR, FIVE, SIX: \$1,000,000,000

TOTAL DAMAGES: \$1,000,000,000

The damage matrix is three-dimensional: for each defendant, there are actual, consequential, and damages on each of six counts.

JURY DEMAND

Plaintiff hereby demands trial by jury on all issues triable to a jury lawfully convened. See Rule 38, Federal Rules of Civil Procedure, in pari materia with the Seventh Amendment. With respect to the common law, see also *Eisner v. Macomber*, 252 U.S. 189 (1920); "Congress – cannot by legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitations alone that power can be lawfully exercised."

VERIFICATION

I, Sherri R. Lowe, Sui Juris, Plaintiff in the above entitled action, hereby verify under penalty of perjury, under the laws of the United States of America, without the "United States" (federal government), that the above statement of facts and laws is true and correct, according to the best of My current information, knowledge, and belief, so help me God, pursuant to 28 U.S.C. §1746(1). See Supremacy Clause.

Date: 03/08/2017


SHERRI R. LOWE, Sui Juris

P.O. Box 397954

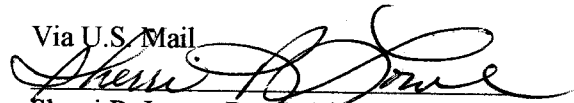
Dallas, Texas 75339

469-258-5650

CERTIFICATE OF SERVICE

On this 8 day of March 2017, I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served all counsel a true and correct copy of the foregoing documents to defendants.

Via U.S. Mail



Sherri R. Lowe, Pro Se Litigant

